

Remarks

Claims 11 through 21 are pending in this application. Claims 1 through 10 are canceled.

Applicant notes that the International Search Report dated September 20, 2004 submitted in the Information Disclosure Statement mailed December 29, 2005 was not initialed on Form PTO-1449 included with the Office Action. Applicant respectfully requests a Form PTO-1449 including Examiner's initials on all references submitted in the information disclosure submitted December 29, 2005.

Claim 9 is objected to as informal. The Office Action asserts that claim 9 is written in independent form and appears to dependent on claim 1. Claim 9 is canceled rendering the rejection thereto moot.

Claims 1 through 10 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1 through 10 are canceled rendering the rejection thereto moot.

Claims 1 through 3 and 7 through 10 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,149,022 to Akyildiz et al. ("Akyildiz"). Claims 1 through 3 and 7 through 10 are canceled rendering the rejection thereto moot.

Claims 4 through 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Akyildiz in view of U.S. Patent No. 4,392,579 to Uhlig et al. ("Uhlig"). Claims 4 through 6 are canceled rendering the rejection thereto moot.

Applicant respectfully submits that new independent claims 11 and 12 are patentable over the cited art.

In particular, independent claims 11 and 12 each provide, in relevant part, an inner float seal portion located within the outer cap portion, and that the inner float seal portion is attached to the outer cap portion, but movable in relation thereto.

In contrast, Akyildiz provides that “the bottle cap 3 has an inner shell and an outer shell 21 both extending downwardly from the top 23 of the cap.” (col. 2, ll. 19-20). Akyildiz further provides “a sealing surface 27 which moves longitudinally within the inner shell to seal the orifice 11. A resilient structure 29, shown as a spring in FIG. 2, maintains downward pressure on the sealing surface to close the orifice.” (col. 2, ll. 26-30). Thus, Applicant submits that Akyildiz provides a device that includes a spring sealed seal that does not operate according to the features of claims 11 and 12.

Further, claims 11 and 12 each also provide an edge seal portion.

In contrast, Akyildiz merely provides “stops 25”. (col. 2, l. 52).

In addition, Akyildiz fails to disclose or suggest at least one vent opening, as recited by claims 11 and 12.

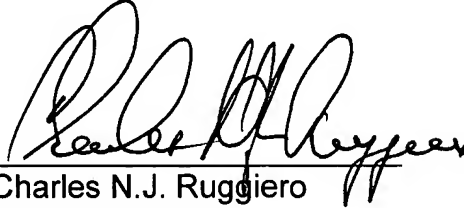
Uhlig, the secondary reference, also fails to disclose or suggest each of the features discussed above that are set forth in claims 11 and 12.

Accordingly, none of the art cited, alone or in combination, disclose or suggest independent claims 11 or 12. Thus, Applicant respectfully submits that claim 11, and claim 20 depending therefrom, and claim 12, and claims 13 through 19 and 21 depending therefrom, are patentable.

In view of the above, Applicants respectfully submit that all claims presented in this application are patentably distinguishable over each reference and each cited

combination of references. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", written over a horizontal line.

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